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Follow-up to the recommendations of the Permanent Forum: economic and social development

Report of the international technical expert meeting on the theme "Keeping track: indicators, mechanisms and data for assessing the implementation of indigenous peoples' rights"

Submitted by the International Labour Organization, the Office of the United Nations High Commissioner for Human Rights and the secretariat of the Permanent Forum on Indigenous Issues

Summary

At its eighth session, the Permanent Forum on Indigenous Issues recommended that the Inter-Agency Support Group on Indigenous Peoples' Issues should convene an international technical expert seminar on indicators of the well-being of indigenous peoples. In response to that recommendation, the International Labour Organization (ILO), the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the secretariat of the Permanent Forum on Indigenous Issues organized an international expert seminar in Geneva on 20 and 21 September 2010 to discuss indicators that could be used in monitoring the situation of indigenous peoples and the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. The present report contains background information and the key conclusions and recommendations of the meeting. A full report of the meeting is available from www.un.org/esa/socdev/unpfii/en/session_tenth.html.

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I. Introduction

1. Since the adoption of the United Nations Declaration on the Rights of Indigenous Peoples in 2007, the efforts of Governments, indigenous peoples and the United Nations system have been oriented towards the implementation of indigenous peoples' rights and the pursuit of positive impacts on the lives of indigenous peoples. A key challenge in this regard is to assess progress in implementation, which could serve to identify gaps, needs and challenges and to inform policies and interventions. In developing a framework for such work, the elements to be taken into consideration include:

(a) The basic assumptions informing the framework, including the compatibility of International Labour Organization (ILO) Convention No. 169 and other human rights instruments with the Declaration;

(b) The identification of adequate indicators;

(c) The availability, generation and disaggregation of data;

(d) The existence and establishment of mechanisms that could sustain such a framework.

2. At its eighth session, in 2009, the Permanent Forum issued a recommendation for the Inter-Agency Support Group on Indigenous Peoples' Issues to convene an international technical expert seminar on indicators of the well-being of indigenous peoples to discuss indicators that could be used in monitoring the situation of indigenous peoples and the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (see E/2009/43, para. 33).

3. In response to that recommendation, ILO, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the secretariat of the Permanent Forum on Indigenous Issues jointly organized the technical expert meeting on 20 and 21 September 2010 at ILO headquarters in Geneva.

4. The aim of the meeting was to take stock of the various efforts to develop indicators and generate data on the situation of indigenous peoples and to discuss the main features of an integrated assessment framework, so as to assist actors at the local, national and international levels in their efforts to assess progress in implementing the Declaration. A total of 48 participants attended the workshop, including:

(a) Members of the Inter-Agency Support Group, including field staff and experts on data, statistics and human rights monitoring;

(b) The Special Rapporteur on the rights of indigenous peoples and members of the Permanent Forum and the Expert Mechanism on the Rights of Indigenous Peoples;

(c) Members of United Nations treaty bodies;

(d) Institutions, Governments and individual experts with particular experience or involvement in the monitoring of indigenous peoples' rights and well-being;

(e) Regional indigenous networks.

5. By the end of the meeting, the participants had agreed on a short text reflecting the conclusions and recommendations. The full report of the meeting is available on the web page of the tenth session of the Permanent Forum.[1] Birgitte Feiring was the rapporteur of the meeting.

II. Conclusions and recommendations

6. At the meeting, the participants were informed about the many valuable initiatives taken by indigenous peoples, Governments and United Nations agencies on indicators and data collection for assessing the implementation of indigenous peoples' rights. Experiences generated through the monitoring of human rights and labour rights in general were shared, in order to inspire the specific work on indigenous peoples' rights. The participants acknowledged the importance of these experiences, which were discussed and analysed to draw lessons and inform the way forward. The key conclusions of the discussions are set out below.

A. General principles

7. The United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169 (ratified by 22 countries) are compatible and complementary, and provide the common normative framework of indigenous peoples' rights together with key human rights instruments, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

8. There is no single institutionalized mechanism for monitoring the implementation of the Declaration, but many existing mechanisms and processes undertaken by States, indigenous peoples and the United Nations system contribute to providing quantitative and qualitative information on its progressive application.

9. A common assessment framework should be outlined in order to enhance coordination, complementarity and synergies, and facilitate the assessment of implementation. The framework should not replace but rather strengthen the many existing efforts by outlining a comprehensive and coherent approach, with illustrative indicators, possible data sources and linkages to relevant institutionalized mechanisms.

10. The framework should reflect the full range of rights enshrined in the Declaration and ILO Convention No. 169, in addition to the "deficit-oriented" approach applied in many countries to document the social, political and economic gaps between the indigenous and non-indigenous sectors of society.

11. The framework should be developed in partnership with indigenous peoples, to reflect their visions and ensure their full participation in the operationalization and use of the framework, including in community-led assessment processes.

[1] See http://www.un.org/esa/socdev/unpfii/en/session_tenth.html.

12. The framework should be developed with a view towards ensuring its operational feasibility, taking into account regional and national differences, the low capacity of many institutions, the need to scale up promising experiences and the cost implications of suggested approaches.

13. The suggested approach includes the involvement of multiple and diverse actors and institutions who, in most cases, will have little or limited capacity and knowledge of indigenous peoples' rights or the technicalities associated with indicators, statistics and data generation. Substantial capacity-building efforts are therefore needed to ensure that all parties can contribute, including indigenous peoples, Government institutions concerned with data generation and statistics, and United Nations and donor agencies.

B. Indicators

14. Conceptually, the framework should be inspired by the OHCHR methodology for identifying structural, process and outcome indicators, to enable an assessment of (a) international commitments, domestic legislation and administrative regulations and institutions; (b) efforts undertaken to make rights effective through institutional arrangements, budgetary allocations and projects and programmes; (c) the actual result of such efforts, for example, in terms of life expectancy, health and well-being.

15. The framework should provide a list of illustrative, flexible indicators that can be adapted to regional, country and local contexts and to the diversity of indigenous peoples, including the diversity within indigenous communities, in particular with respect to age and gender. In addition to defining specific indicators to capture the collective aspects of indigenous peoples' rights, the framework should include, to the extent possible, indicators that can be informed by common data sources and disaggregated to specify the situation of indigenous peoples.

C. Data collection

16. A common framework will allow all parties to progressively contribute data to be used in the overall assessment of the implementation of indigenous peoples' rights. It should thus enable the accommodation of both qualitative and quantitative data, as well as data generated through censuses, surveys and administrative registers together with case studies, and information generated in community-led processes.

17. In parallel to the collection of disaggregated data and data related to specific indigenous peoples-related indicators, existing data collections should be reviewed to assess whether they could be used in a creative way to inform the assessment of the implementation of indigenous peoples' rights.

D. Mechanisms

18. The framework should indicate bridges to the broader human rights framework as well as links to existing institutionalized supervisory mechanisms (United Nations treaty monitoring bodies, United Nations specialized mechanisms, the ILO

supervisory system and other international instruments and processes relevant to indigenous peoples). The contributions of these mechanisms to the monitoring of indigenous peoples' rights are absolutely crucial, as they will provide qualitative assessments and recommendations with direct implications for States.

19. For disaggregated demographic and socio-economic statistics, national statistics bureaux will need to be involved, with the engagement of the Statistics Division, in particular with regard to expansion into regions that have not previously included indigenous identifiers in national data-gathering processes.

20. Efforts should be made to encourage and enable indigenous peoples to undertake their own processes of assessing the implementation of their rights at the local, national, regional and international levels. Such processes will inform indigenous peoples' own decision-making and enable them to feed quality information into existing mechanisms, including United Nations treaty monitoring bodies, ILO supervisory mechanisms and such specialized United Nations mechanisms as the Special Rapporteur on the rights of indigenous peoples, the Expert Mechanism on the Rights of Indigenous Peoples and the Permanent Forum, and into poverty reduction strategies, poverty reduction strategy papers, common country assessments and United Nations Development Assistance Framework processes and other national policies and strategies.

21. ILO, OHCHR and the secretariat of the Permanent Forum, in collaboration with the Inter-Agency Support Group, are requested to continue developing an integrated assessment framework for indigenous peoples' rights, based on the key conclusions of the technical expert meeting. Recognizing that further technical work and capacity-building for international and national agencies and indigenous peoples are vital for the development and adequate application of a coherent assessment framework, Governments and donors are encouraged to support these efforts by making resources available.

22. Lastly, ILO, OHCHR and the secretariat of the Permanent Forum are requested to present the report of the technical expert meeting and an update on the progress towards an integrated assessment framework at the tenth session of the Forum, in 2011.